

AN HUMBLE
EXAMINATION

OF A
PRINTED ABSTRACT

OF
The Answers to Nine Reasons
of the House of Commons,

AGAINST
The Votes of Bishops in Parliament.

Printed by order of a Committee of the Honourable
House of Commons, now Assembled
in Parliament.

Cornelius Burgess



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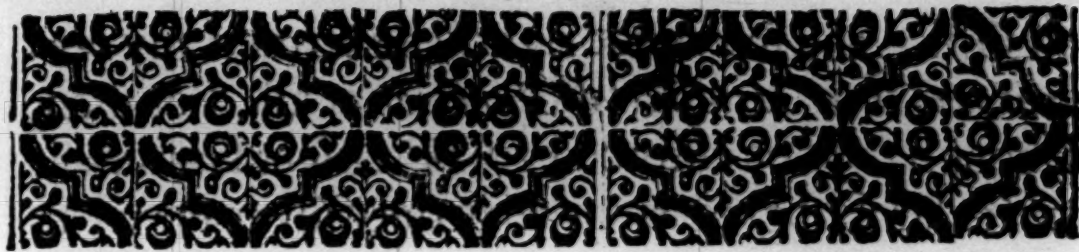
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HUMBLE EXAMINATION
OF A
Printed ABSTRACT of the ANSWERS
given to Nine REASONS of the
HOUSE of COMMONS,
Against the
Votes of Bishops in Parliament.

I. REASON of the House of Commons.



Ecause it is a very great hinderance
to the exercise of their Ministeriall
Function.

To this Reason
a four- fold
Answer is sent
abroad.

ANSWER.

1. " Is is not so much hinderance as their convening
" to Generall Councils, Synods, Convocations,
" Assemblies, Classes, and the like, in all the
" Churches Reformed, or otherwise.

EXAMEN.

Convening to Generall Councils, Synodes, &c. when
need requireth, is a proper part of their Ecclesiasti-
call

call Office, and so cannot rightly be termed any *hinderance to their Ministeriall Function* at all. For then, although they be enforced to be absent from their particular Congregations, they doe still move within their owne proper Orbe, for the more publike Service of the Church: and so they may with more reason expect a blessing on it. But when they *Vote in Parliament*, as Peeres, in Civill and Secular Affaires, touching Trade, Merchandize, and other particulars of State policy, they be Eccentrick, and out of their owne Sphere, and Calling. This therefore must needs be not only some hinderance, but, a *very great hinderance to the exercise of their Ministeriall Function*: because, to qualifie them to give such Votes, with judgement, they must necessarily bestow themselves most, if not altogether upon the study of, and searching into all those Secular matters which in Parliaments be, or may be debated and voted, and in the inquiry into all those principles and deepe mysteries of State, wherein, all that vote in the House of Peeres, ought above all others to be most conversant; which cannot ordinarily be attained, without spending most of their time and study thereupon: *Si enim velit Episcopus, ut caelesti pariter & terreno Regi placeat, ad utrumque se officium dividere, certe Rex caelestis, qui sibi vult ex toto corde, tota anima, tota virtute serviri, ministerium divinum non approbat, non diligit, non acceptat. Nam nec terreni Principis ratiocinia quisquam dimidiis sufficienter administrat;* as a learned Archbishop of Canterbury, out of another grave Author, hath observed.

Math. Parker
Antiq. Britan-
ni, in Huberto
ex Wil. Nubrig.

And sithence, to be able to give a *Vote in the Lords House of Parliament* judiciously, and for the bene-
fit

fit of the publike, requires such constant industry, daily observation, and no small experience of all kindes of secular affaires, with their severall casuall turnings, and vicissitudes: I cannot see how Bishops; voting in that House, can avoid one of these three evils; either they must give their votes ignorantly (and ignorance usually runs wrong;) or corruptly, to serve other mens turnes, be they right or wrong, or els they must necessarily bend most part of their lives to secular studies and imployments, to which they were never bred, from which their Ministeri- all Function should exclude them, and for which many godly Bishops and others, beside sundry Councils, in all ages have condemned them; many of those Ancients having alledged that Scripture, in 2 Tim. 2. 4. (*Nemo militans Deo, implicat se negotiis secularibus, &c.*) to this very purpose.

For more expedition, I shall only name some of those Authors and Councils. Cyprian. Epist. 66. juxta Pamel. Can. 6. Apost. apud Zonaram. Concil. Carthag. 4. Can. 16. Concil. Chalced. Oecum. Sess. 15. Can. 3. August. Epist. 110. Greg. Magn. Dial. lib 1. Prefat. Excerpt. Egberti Can. 16. & Can. 57. Concil. Calcbuth. Can. 10. Anselm. in Concil. Westm. ut videre est in Gulielm. Malmsh. de Gestis Pontif. l. 1. Mat. Par. Hist. Angl. in the Cases of Walter B. of Durham, in time of Will. the Conq. and of Hubert Archb. of Cant. in Ric. 1.

Yea, we shall find this sharply condemned by popish Prelates themselves. Corp. Jur. Can. dist. 88. And Othobone the Popes Legate here, in Hen. 3. his time, censured it, and provided against it, as *vitium horrendum*. Const. Legat. cap. Cum honest. But I leave them! See also Tindall in his Tract of Obedience of a

Christian. B. Hooper, on 8. Command. B. Latymer, Sermon called the Plough. B. Jewel, defence of Apol. par. 5. chap. 4. divis. 2. Mat. Parker, Archb. of Cant. *Antiquit. Brit.* in Huberto, where he is very large, sharp, and solid in this point. Take a passage or two, because his Booke is not in every hand. *Neque enim, si verum judicare volumus, in Republica Christiana quicquam sani atque integri seculum illud (Richardi primi) tulit. Fictaque & adumbrata Religionis specie proposita, totus Clerus in sceleribus, muneribus, honoribus, & rapinis, neglecto penitus verbo, impune volubatur. Hujus mali origo ab hoc profluxit, quod contra Orthodoxorum Patrum decreta, Clerus nimium mundanis se negotiis immiscuit.* Then hee goes on to shew a fearefull example of Gods vengeance upon one of them, who had beene advanced to a very high Office in the State, which Relation he thus closeth up; *Cujus generis exempla idcirco proferenda sunt, ut deterreatur a vectigalibus Regiis, & Civilibus publicisque occupationibus Clerus, & Evangelio propagando praeipue studeat ac incumbat.* And how ever hee after takes notice of somewhat which happened in the beginning of Henry 3. wherein he seemes to preferre the fidelity of the Clergy to that of the Laity in administring of Civill Offices, yet he doth it not as allowing the Clergie to be so imployed, but rather as secretly taxing the Nobility of that time for being so unfaithfull to the King and Kingdome, which surely is no warrant for the Clergie to step out of their own Calling.

It is true that anciently Bishops have beene allowed to intermeddle in some Civil affairs, at sometimes. *Constantine* made a law to that purpose, in case of
of

of voluntary appeals from civil Iudicatories, *Sozom.* li. 1. cap. 9. And *Valens* added to it, in cases of Hospitals and Schooles. *Hist. Counc. of Trent.* Yet the mischiefs of such intermedling, were soone felt and groaned under. Hence *Honorius* and *Arcadius* made a Law against it, and *Valentinian* afterwards put it in execution even in Rome it selfe. So did other Emperours, as appears by the *Corps* of the *Civil Law*, in many places. Indeed some succeeding Emperours, gave relaxations, and enlarged the power and preheminance of Bishops so farre, that at length there was no reducing them to their ancient limits, till that once glorious Scepter was become so inglorious as to be wholly at the devotion, command, and dispose of the Mitre, to the perpetual ignominie, and irreparable undoing of that puissant Empire.

And whereas some urge that Statute *De Provisio-ribus* in 25. *Edward 3.* for Bishops intermedling in Civill Affaires, because it is there said, That the holy Church of England was founded in the estate of
 “ Prelacy within the Realme of England, by the
 “ Kings Ancestors, and other of the Nobility, to
 “ inform them and the People of the Law of God,
 “ and to make hospitalities, almes, and other works
 “ of Charity in the places where the Churches
 “ were founded, &c. and for this end, their Lands,
 “ revenues, &c. were assigned by the said founders
 “ to the Prelates, &c. And the said Kings in times
 “ past, were wont to have the greatest part of their
 “ Councel, for the safeguard of the Realme, when
 “ they had need, of such Prelates, and Clerks so ad-
 “ vanced &c. This last Clause doth only prove *de fa-*
cto, that so it was used; but doth not legitimate the
 use;

use ; all stories of those times being full of complaints against the mischiefes which arose out of it. And that very Statute declares the prime end of advancing the Clergy into an Hierarchie, was to counsell the Kings and others in the Law of God, not in Civill and Martiall matters. And so far is such intermedling *in Secularibus*, from being countenanced by the Lawes of this Kingdome, that by the common Law ; (which is the most fundamentall Law of the Realme) all in holy Orders are so carefully exempted from such incumbrances, that if any Clergy man happen to be put into a temporall Office, he must, upon the pleading of his Orders, have a Writ awarded him out of the Chauncery to discharge him. *Regist.* 187. 6.

Therefore it was farre from the intention of the first Founders of our Hierarchie, to imploy them in *Civilibus*, but only to make use of their counsell in Spirituals.

There is yet one thing more, much insisted upon by some of the Prelates, to prove the lawfulnessse of their intermedling in Secular Matters. And it is a passage of Saint *Augustine*, *De opere Monachor. Cap. 29.* where hee saith, It were farre more profitable for him to spend his time in reading and praying, *Quam tumultuosissimas perplexitates causarum alienarum pati de negotiis secularibus, vel judicando dirimendis, vel interveniendo praevidendis; quibus nos molestiis idem afflixit Apostolus, non utique suo, sed ejus qui in eo loquebatur arbitrio.* Ergo, say some Bishops, they have warrant so to doe, yea a command from the Apostle, and from the Spirit of God himselfe.

1. Cor. 6:

To this it may be answered. 1. That in that very place St. *Austin* doth bemoane this, as being *Ecclesiarum quibus servit consuetudo* the custome of those Churches: and the practice began, after *Constantine* made a law to warrant it; for *S. Aust.* there saith, that *Paul* never submitted to it, nay rather he gave order to make them Iudges that were meanest, and had least to doe. And albeit *St. Austin* there addes that this toyle he undertooke, *non sine consolatione* *in spe vite aeterna, ut fructum feramus cum tolerantia*. Yet this was not spoken, as rejoycing in the imployment, but as bearing it with more cheerefulnesse in hope of eternall life after it. 2. As for the imployment it selfe, he complaines, *violenter irruptum est, & non permittor ad quod volo vacare ante meridiem, post meridiem occupationibus hominum teneor. Epist. 110.* and *Possidonius* that lived with him many yeares, beares him witnes that *hanc suam a melioribus rebus occupationem, tanquam angariam deputabat*. Therefore it was, that (in *Ep. 110.*) he desired the people that they would suffer him to put over all those busineses to *Eradius* whom he had chosen to be his successor in his Bishoprick, which when the people had granted, the good old Father presently unburdened himselfe, *Ergo fratres quicquid est quod ad me perferbatur, ad illum perferatur, ubi necessarium habuerit consilium, meum non negabo auxilium.*

even I have
noted him
as a
man

Possidon. in
vit. Augustini
ca. 19.

3. If this be not enough, let me answer Bishops by a Bishop, viz: by Bishop *Bilson*, who, being preferred with that place of Saint *Austin*, de opere Mon: by the Popish crue under the name of *Philander* a Jesuite, returns this answer under the veile of *Theophilus* an Orthodoxe Divine; a Truth it is, the

Treat. Of Chri-
stian Subjection
and Antichristi-
an Rebellion.
par. 3.

And I have
shewed before
upon what oc-
casion. Prefat.
in Dial.

Bishops of the Primitive Church were greatly trou-
bled with those matters, * not as ordinary *Judges*
of these causes, but as Arbiters elected by consent of
both parties. " And I could requite you with *Gre-*
" *gories* own words of the same matter in the same
" place, *quod certum est nos non debere, which it is cer-*
" *taine we ought not to doe.* But yet I thinke so long
" as it did not hinder their Vocation and Function,
" though it were troublesome unto them, they
" might neither in charity nor in duty refuse it, be-
" cause it tended to the preserving of peace and love
" amongst men. And the Apostle had licensed all
" men to choose whom they would for their *Judges*,
" no doubt meaning that they which were chosen
" should take the paines to heare the cause, and
" make an end of the strife. But it is one thing to
" make peace betweene brethren, as they did, by
" hearing their griefes with consent of both sides;
" and another to claime a judicall interest in those
" causes, in spite of mens hearts.

Thus he, and how home this comes to our Bi-
shops, that will needs still contest and struggle to re-
taine their Votes in Parliament in all civill causes
whatsoever, undervaluing all the Reasons of the
House of Commons, and contrary to the just de-
sires of the whole body of the Kingdome, I need
not use more words to declare.

To finish this point. All that hath beene said
agaist the Clergies intermeddling with Civill and
Temporall affaires (other than for necessary and
comfortable provisions for Lively hood) drives to
this Conclusion, that if it be so great an hinderance
to the exercise of the Ministerial Function to be im-
ployed

ployed in temporall matters which are but ordinarie, it must needs be a farre greater hinderance to that holy calling, for Bishops to Vote in Parliament, because they cannot doe it as it ought to bee done, without so much skill and dexterity in secular affaires of all sorts that possibly can come within the debate and resolution of a Parliament, as must needs take up the greatest part, if not the whole of a mans time, study, strength and abilities bee they never so great and many, to fit him for that great service altogether beside (I might adde inconsistent with) his Calling of the Ministry.

2. ANSWER to the first REASON.

"It is propter majus bonum Ecclesia."

EXAMEN.

Cujus contrarium, &c. What good they have done in Parliament, for the Church (unlesse to uphold the Synagogue of Rome,) let all Histories speake, that have taken any notice of the acting and carriage of matters of Religion debated, and Voted in Parliament, since the first entrance upon a Reformation in this Kingdome.

It is true that in the Reigne of King *Henry* the eight, one *Cranmer* was active in the cause of God, against those fixe bloody Articles, which cost so many their lives. But, of all the Hierarchie, not one was found to joyne with him, but all opposed, and he alone for three dayes together was

faine to stand to it, and at length, by the malice,
practise, and potency of the Prelates, hee was o-
vercome, and the cause carryed against him, *Acts*
and *Monuments* par. 2. page 1037. edit. 1610.
This was in the yeare 1540.

When about foure or five yeares after, *Cranmer*,
in two severall Parliaments used his best endea-
vours to get that bloody Law repealed, and had be-
fore hand (as he thought) drawne over to his side
the Bishops of *Worcester*, *Chichester*, and *Rochester*,
who promised to assist the cause in Parliament: Yet
when it came to the tryall, all the Bishops forooke
him and the cause againe. In so much as the King
himselke, and the Nobility stood to him so farre, as
to give way to a moderating of the former Law,
when the Bishops would not abate the least part
of the rigour thereof. *Antiq. Britanni. in Cran-*
mero.

In King *Edward* the sixth his Reigne, it is true, a
blessed Reformation was happily begun; but, by
whom? By the Bishops? No verily, *Cranmer*
only excepted. For he and the Protector were the
men that advised the King, and went through with
the worke. As for the great Bishops, *Gardiner* of
Winchester, and *Tunstall* of *Durresme*, *Bonner* and
others, they served to fill prisons, and diverse ran
away. And in all Letters of the Lords for more
particular Reformation, it was onely *Canterbu-*
rie and the Nobilitie that did promote the busi-
nesse. See *Acts* and *Monuments* in King *Edward*
the sixth.

But in *Queene Maries* dayes, who but Bishops
for the Masse, and all the grosse body of Popery,
Both

both in Convocation and Parliament: *Cranmer*, and the rest of the Orthodox Bishops were soone persecuted, and at length committed to the fire; while the Popish Prelates, being restored to their places, spared no diligence to promote Popish Idolatry throughout the Kingdome, and that by their Votes in Parliament, whereby they might more plentifully shed blood by a Law.

When God delivered this Kingdome from those *Marian* flames, and set up blessed *Queene Elizabeth*, it cannot be denyed, but that in the Bill for restoring all ancient Jurisdictions to the Crown and for reestablishment of Religion and ejection of Popery, the *Lords Spirituall* are named in the Act, because the bill being carryed by the greater number of Votes, the dissenting party which was the lesse, are included in the rest, and it becomes the Act of all, in common repute, and esteeme of Law.

But little thanks to the Bishops for any of that Reformation which was then restored. We finde the Bishops of *Winchester*, *Litchfeild*, *Chester*, *Carlisle* and *Lincolne* appearing in open defence of Popery while that Parliament was sitting. *Act and Monuments par. 2. page 1619. edit. 1610.* But these were not all that stood for that cause: Witnessse the deprivation of *Heath Arch-Bishop of Yorke*, *Tunstall Bishop of Durham*. *White of Winchester*, *Thyrlby of Ely*, *Watson of Lincolne*, *Baines of Coventry* and *Litchfeild*, *Bourne of Bath and Wells*, *Christopherson of Chichester*, *Oglethorp of Carlisle*, *Scot of Chester*, *Morgan of Saint Davids*, beside *Bonner* imprisoned, *Pates of Worcester*, *Goldwel of*

Saint *Asaph* in exile, for the same Pseudo-Catholic-like cause. None of all which can with any probability of reason bee imagined to have Voted for the restoring of the Truth, they being by vertue of that Statute deprived for opposing the Truth.

* In 31. Elizabeth a Bill against Non-residents passed the House of Commons, & being in the other House greatly approved of & much spoken for by many of the Temporall Lords, yet, through the earnest labouring of the Bishops, it could have no passage there. Another Bill for reforming Ecclesiasticall Courts in King James his time, passed, till it fell among the Bishops, and there was stayed.

And albeit, I know nothing but by heare-say of the generall carriage of Bishops in Parliaments sithence, and so doe not charge them: yet how often they have with-stood bills against Non-residency, * Pluralities, and other evils and defects in the Reformation of Religion, and of their Courts, the world hath beene sufficiently informed; insomuch as the House of Commons hath already declared and resolved at a Generall Committee of the whole House, June eleventh, 1641. That the Bishops have beene found by long experience to bee great hinderances of a perfect Reformation, and of the growth of Religion. *Ex majus bonum Ecclesiae* produced by the Vote of Bishops in Parliaments!

And as their voting in Parliament, in matters of Religion, is *ad detrimentum, potius quam ad utilitatem Ecclesiae*; so it cannot bee imagined how their Votes there, in *Civilibus*, should conduce more *ad majus bonum Ecclesiae*: Except the wilfull and incorrigible continuing in a course forraine and contrary to their proper Calling, and such as (being duely performed) is a very great hinderance to the exercise of their Ministeriall Function (as hath beene before declared) can redound to the greater good of the Church, which they seldome looke after, unlesse to receive the profits of it, and to plague those
those

those who are profitable in it, that themselves may more splendidly and securely (in Parliament; and every where else,) *Lord it over the whole heritage of God.*

3. ANSWER, to the first REASON.

*"The Apostles unnecessarily put themselves to
"more hinderances, to worke for their liveli-
"hood, Acts 20. 24. 1 Thessalo. 2. 9.
2 Thess. 3. 8.*

EXAMEN.

Unnecessarily? Boldly spoken: and were I sure that one of my fellowes or equalls had written it, I should without breach of good manners, pronounce it saucinesse little short of blasphemie.

Was it not *necessary* that the Apostles should have a livelihood? And was the procuring of it by *labouring with their hands* (although I know none but one, after CHRIST'S Ascension, that was put unto it) to avoyd the oppression of poore converts, or to prevent scandall among either poore or rich, converted or unconverted, an *unnecessary* thing? This may bee a straine of Policie passable enough among Spirituall Lords of Parliament, but was never knowne to bee good Divinity among

among such as desire to approve themselves unto
G O D.

I have bin taught that *Necessarium* is put sometimes *pro utili & pro congruo & convenienti*, as well as *pro naturali seu debito*, or *pro violento seu coacto*. And I have learned among the Schoole-men, that there is a necessitie not only *absolute & simpliciter sic dicta*, but also *ex suppositione & conditione*, when a thing not simply necessary in it selfe, becomes such in regard either of end, meanes, circumstances or otherwise. When Saint Iohn (1 Epist. 2.27.) tells the Christians, *ye need not that any man teach you*, was his writing to them to instruct them further, unnecessary? When Saint Pauls abiding in the flesh was more needfull in regard of the Philippians, for their furtherance and joy of faith, Philip. 2. Shall any man be so hardy, as to avouch his abode in the flesh to be unnecessary, which yet was not simply necessary in it selfe, or unto him?

So, circumstances of time, place, and person, may make that *necessary* in some places, at some times, and among some persons, which yet of it selfe is not so. Thus was it in some of those particulars which are called *these necessary things*, Acts 15. 28. yet were it no small presumption for any man to call *those things*, in reference to that very Text, without some distinction expressed, unnecessary. So it is here.

When Saint Paul saith, *these bands have ministered unto my necessities*, Acts 20. 34. Shall any man say, that ministration was unnecessary? If it bee said, it was so, in regard of his right to maintenance; it is true; but, when it is pronounced without such
limi-

limitation, it is a contradicting and thwarting of the Apostles expression, as if hee wanted skill or care to expresse himselfe as became him, and a misleading of an uncautious Reader, to swallow downe an error inferred from it. For what is hence intended to bee inferred, but this; That, as the Apostles did *unnecessarily* labour with their hands when they might have avoided it: So Bishops may according to that example, vote in Parliament, although the thing bee found unnecessary to a Bishop? Now this is a corrupt inference from ambiguous premisses, and the ambiguity lies in the word *unnecessarily*: for if the word bee spoken absolutely and without all limitation, it is absolutely false: if a limitation bee intended, it ought to have been expressed, and then any intelligent Reader would soone have beene led to consider and compare that act of the Apostle, with the present *unnecessariness* of Bishops votes in Parliaments; and thereby have beene enabled to discover the weakness and unsufficiency of this unnecessary impertinent Answer, because hee would easily have found great and wide differences betweene those two cases.

1. Working for a livelihood is a matter of necessity, when it cannot otherwise bee so well obtained without oppression or scandall, which was the Apostles case: But Bishops voting in Parliament, when no necessity at all, either of maintenance or scandall can bee feared, is a worke of supererrogation, and an unnecessary sinfull neglect of their owne Function.

2. The Apostles working with his hands might better consist with the exercise of his Ministeriall Office, because hee had his furni-

Mat. 10. 19, 20
Ioh. 16. 13, 14

Gal. 1. 11. 12.

1 Tim. 4. 13.

2 Tim. 2. 15.

ture thereunto by divine inspiration, whereas all men now must continually and industriously apply themselves to their Bookes and Meditations, to make them *workemen that need not to bee ashamed.*

3. The Apostles working with his hands was but for a season while the present necessity lasted, but the Bishops would willingly Vote in Parliament to the end of the world, although there bee no necessity of it at all, but great inconvenience and scandall accruing to the Church thereby, and a Bill transmitted by the honourable House of Commons to the Lords against it, as many wayes inconvenient and intolerable.

It were easie to adde more differences, but these may suffice: So also may that which hath beene already said, for the clearing of those other two Texts that remaine.

1 Thes. 2. 9.

2 Thes. 3. 8.

4. ANSWER, to the first REASON.

*“What hinderance can it be to their Calling, that
 “ once in three yeares, when they must necessari-
 “ ly attend the Convocation, they divide some part
 “ of that short time to the attendance of Par-
 “ liament?”*

EXAMEN.

This is not an *Answer*, but a *Question*; and such as, if the first *Answer* bee true, little needed. But that which hath beene said in examination of that first *Answer*, may also suffice to satisfie this

Interrogation. The *hinderance* lyes not so much in the expence of a short space spent in the Parliament House, as in the long time requisite to fit a Bishop for such multiplicity of weighty busineses as are proper for a Parliament : except hee thinke it enough to vote Bills by rote, according to the impetuouse of his friends, or the loudnesse of the cryes made for or against them.

Besides, Times and other Circumstances may, and often do so alter the State of the same matters ; that, if even the ablest and most vigilant Statesman bee not more aware, Bills may be offered, which are perhaps most plausible in present appearance, and might bee very profitable too, at some other season, that would prove most pernicious in the issue, if now they were suffered to passe. Now, he that hath not his eyes in his head, or his head not constantly at worke (even out of Parliament) to observe and ponder the severall changes and windings of affairs and seasons, can never bee a judicious Peere in Parliament ; but (at his best) an Emperick, who, when his totall is cast up, is ever found more hurtfull than profitable, yea a very pest to the publike ; unlesse, laying all other businesse aside, hee double his industry to make future recompence for his present insufficiency, and by his diligence to supply the defects of his former education, as to this Calling, he having been first intended and moulded for another profession.

And, if Bishops take this course, to become like the children of *Isachar*, men that have understanding of the times to know what *Israel* ought to doe, and to enable themselves for Parliaments indeed, it is easie

1 Chro. 12. 32

Gen. 49. 14.

to conclude, what hinderance this not onely may bee, but cannot but bee to their Ministeriall Function. For, if the *Levite* take upon him *Iffachars* Office, and fall to tampering so high in Temporalls, hee will soone prove an *Iffachar* in Spirituals, and become couchant betweene his two burthens.

Againe, I hope it will very shortly appeare, that it will be farre from being necessary for Bishops once in three yeares, to attend the Convocation, as the frame of both yet standeth among us. Our Convocation is but a meere shadow, a plaine mockery. Synods were ordained for more use and activity, than to patter over a latine Letany upon Wednesdays and Fridays, and to give so many Subsidies as it pleaseth his Grace to propound to the engaged and enthralled Clergy; or to passe a few illegall, seditious, Antiparliamentary Canons, first cast in the mould of some brain-sick Incendiary, that would needs be the *Dominus fac totum*, and the head of a pragmaticall, Papisticall, Atheisticall Sanction.

And, if Synods were (as I trust they will bee) restored to their pristine course and extent, agreeable to the Word (without which, better we never saw Convocation more, as, I hope, wee shall not) there would be so much worke to doe in them, as would even tire out the most indefatigable spirits of the ablest men, to consider of errors in doctrine which daily creepe in to corrupt the truth; of explanations of Doctrine already established, when perverse men make use of the generality or ambignity of the terms wherein they bee notched, to countenance their fancies and fanaticke opinions; of preparing
a plat,

platforme of Discipline agreeable to the will of God, and usefull for his people; of censuring such as bee too great for lesser Assemblies; and of Appeals from inferiour Synods to that higher Judicatorie.

Then, would godly and conscientious Bishops finde so much to doe in Convocations or Synods, as would leave them little leasure for attendance in Parliaments, where the Peeres doe, or should sit every day (or they have little reason to Vote in those Bills and Causes there agitated, when they have not heard the debates;) and soone let them see, that all the time they could redeeme (although they sate every day, and sate out the day) would bee much too little maturely to discusse, and deliberately to determine all busineses of Synods. *Ergo*, it must needs bee a *very great hinderance* to the proper worke of their Calling, when, *once in three yeares they must necessarily attend the Convocation* (reformed, and restored to the truly Primitive nature, and use) if they divide any part of *that short time* to the attendance of Parliament. Thus farre the Examination of all the *Answers*, to the first Reason, which being the Principall, I have bene the longer in it, as well for the asserting of the Reason it selfe, as for examining the strength of the *Answers* that would, but cannot enervate or abate the vigour of it.

II. REASON of the House of Commons.

BEcause they doe vow and undertake it at their Ordination, when they enter into holy Orders, that they will give themselves wholly to that Vocation.]

I. ANSWER.

To this a three fold Answer is given.

" This Vow and undertaking in Ministers Ordination is quite mistaken : The words are in the Bishops Exhortation, not in the Ministers Answer.

EXAMEN.

Mistaken, and quite mistaken? Why so? Because the words are in the Bishops Exhortation, not in the Ministers Answer. But where hath the House of Commons yet said, that the words are in the Ministers Answer? Surely not in their second Reason, against which this Answer is directed. Therefore, this branch of the Answer to that Reason might have well been spared.

The words are confessed by the Answerer to be used at the Ministers Ordination. This is enough to justify the House of Commons, and their Reason. And, what though it be spoken by the Bishop, not by the Minister at that time? this doth not disprove his Vow. Little children utter no words

words in Baptisme; yet, doe they not enter into a *Vow*, when the Minister declareth upon what terms they be admitted, and the whole action is managed by others?

The Bishop speakes these words at the Ordination of Ministers; *We have a good hope that you have well weighed and pondered these things with your selves, long before this time, and that you have clearely determined by Gods Grace, to give your selves wholly to this Vocation, whereunto it hath pleased God to call you, so that (as much as lyeth in you) you apply your selves wholly to this one thing, and draw all your cares and studies this way, and to this end.*

All this the Ministers heare when they enter into holy Orders. The Bishop takes it for granted that they have done all this; that they have fully resolved, and decreed it, (as the Latine hath it) long before, and that by invoking of Gods Grace for performance; which decree beforehand, with invocation supposed, and consent at present to bee admitted into Holy Orders upon this condition, by their silence witnessed, makes it to amount (materially, if not formally, *quoad omnia*) to a *Vow*, that is, to such an obligation as engageth them to *undertake* and make good what in this Reason is affirmed of them. For, I have learned so much out of *Calvin*, the Civilian, that sometimes *Votum ponitur pro consensu*: *Lexic. Incia.* and no man denies silence, in such an action, to bee consent. And more than this, the House of Commons say not: for they speake not of a formall *Vow* vocally pronounced by the Minister, in that action.

How.

Howbeit, if I may utter my private opinion freely of this point, without prejudice to the House of Commons, and without engaging them further than themselves intended, I humbly conceive, that the Church of England, in her fifth Question propounded by the Bishop in the ordering of Ministers, doth fully intend as much as is contained in those words of the Exhortation before rehearsed: and, to that Question, the Minister positively answereth, *I will endeavour my selfe so to doe, the Lord being my helper. Ergo*, hee formally voweth at his Ordination, what is contained in the Second Reason of the House of Commons.

To cleare this, I shall first set downe the words of the Question; *Will you bee diligent in prayers, and in reading of the holy Scriptures, and in such studies as helpe to the knowledge of the same, laying aside the Study of the World and the Flesh?* To this, the party to bee ordained answereth, *I Will endeavour my selfe so to doe, the Lord being my helper.*

Next, I must pray the Readers to consider, that the surest exposition of these words must needs bee found in that Booke from whence the words were taken, and set into the Booke of Ordination more briefly than in the Originall they bee expressed. All the learned know, that *Bucer* was the chief man, who at the request of *Crammer*, censured the first Publike Leiturgie of *Edward 6.* whereupon it was reduced to a better forme.

In that first Booke, there was no forme of ordination prescribed: but in the 5. 6. *Edward 6.* it was

was added. This *Exhortation* and the *Questions* and *Answers* to them, in our present Booke of *Ordination*, were not borrowed (as some suggest) out of the *Romane Pontificall*, but were *Verbatim* taken out of that grave and learned Treatise of *Bucer* entituled, *De Ordinatio. Legitima Ministrorum Eccles. Cap. ult.* extant in his *Script. Anglican.* Ergo, the full meaning and latitude of this Question must bee taken thence.

Now the Question is there propounded thus; *Tempus omne quod vobis a sacris Ministeriis publicis & privatis, ac necessaria & frugali corporis cura super fuerit, id omne precibus & lectione Divinarum Scripturarum, iisque studiis quae cognitionem Scripturarum, & docendi facultatem adjuvant & ornant, reiectis a vobis cunctis mundi & carnis studiis & negotiis, feriis & ludicris, impendetis?* The Answer, *Impendemus, juvante nos Domino.*

So then, the full latitude of the Question (which is contracted in the booke of *Ordination*) extends to a solemn vow and undertaking on the Ministers part, when hee enters into Holy Orders, to bestow all his time, either in the exercise of his Office, or fitting himselfe further for it; and, to lay aside not onely the *vanities* and *pomps* of this wicked world (as hee vowed to doe in Baptisme;) but all *secular businesses* and *employments*; necessary provision for himselfe and family (which God himselfe imposeth upon all) excepted. And all this,

in his solemne *Answer* made to the Bishop at his Ordination, the Minister formally covenanteth and voweth by Gods grace to performe. Which being so, there can no scruple remaine in any impartiall man, but that the second *Reason* of the House of Commons is true, solid, and concluding against the Bishops Votes in Parliament, *quod erat demonstrandum.*

2. A N S. to the second R E A S O N.

“ *The Bishop hopes they will give themselves*
 “ *wholely to that, and not to any other Trade or*
 “ *Vocation.*

E X A M E N.

And *hope* so hee cannot, if Bishops may still vote in Parliament. Because they cannot doe that, with profit or safety to the Common wealth, without giving their mindes not to some one other single trade or vocation only, but to every trade and course of life, so farre as to make them complete Satesmen, as hath beene shewed before. For, what Trade or Vocation is there to be found, which sometime or other makes not businesse for the Parliament? And how shall hee give a Vote in it with judgement, that hath not a good insight into all the Mysteries of it.

If it should (as possibly it may) bee objected,
 that

that by this strict rule, many of the Nobility, should bee excluded? I answered, that if they bee not thoroughly qualified and furnished for that worke, the more the pity, because the more the Common wealth suffers by their insufficiency. Howbeit the ingenuoufnesse of their nature and education, will make them lesse forward in speaking, and more diligent in hearing their ancients and men of more gravitie and experience. Nor is it fit that for such insufficiencies they should be turned out, but rather remaine there as in a Schoole (as wee see some of the sonnes of the Noblemen doe) to traine them up to doe service there to the King and Kingdome, it being an honour to which they were borne; whereas Bishops sit there but *Precario*, and are out of their Callings all the while.

But, is that all that the Bishop *hopes*, namely, that the persons to bee ordained will not take *another Trade or Vocation* upon them? Then belike, if a Minister doe not professe the Trade of a Taylor, hee may yet spend part of his time in Tayloring. Hee may sometimes give himself to Brewing, so he set not up a Brewhouse, &c. But surely our Law is so strict in such cases, that it forbids Ministers to have so much as a Brewhouse or Tan-house, although managed by others, further than for the necessities of house keeping; nor otherwise, to take to Farme or Lease, any Lands or Tenements, albeit the same bee occupied by some other persons,

if it bee to the Ministers use. 21. Hen. 8 13.

And why so? Is it because the Lawes doe envie the wealth of Spirituall persons? That were an uncharitable surmise. The end was, that Ministers might have no occasions of a vocation from their Studies and Ministeriall Function, but have more opportunity to bestow themselves wholly thereupon, according to what they promised and undertooke at their Ordination, *for the more quiet and vertuous increase and maintenance of Divine Service; and preaching and teaching of the Word of God, &c.* as the entrance into that Statute doth expresse it.

So then, if we consider Bishops, according to what the Common wealth expecteth from them in her Lawes, as well as what the Church bindeth them unto in their Ordination, as Ministers of the Church of England, they may not regularly, give themselves not onely wholly to any Trade, but not at all to any imployment but the Ministry, and to that which is necessarily required to fit them for it, and support them in it.

3. ANS. to the second REASON.

“ Wholely in a Morall, and not in a Mathematicall sense, that will admit no Latitude: els
 “ there might the same exception bee taken against their just care of provision for their
 “ household affaires.

E X A M E N.

If they by their Ordination bee bounded Morally; the House of Commons will never, I presume, trouble themselves about the *Mathematicality* of the *Vow*. Nor will I be so bold, to say of this distinction, of the words of the *Exhortation* in question, as the Author of the *Holy Table, Name, and Thing*, doth of a like subtile interpretation of a *Rubrick*, newly minted by his *Antagonist*, praying him to remember, that the *Rubrick* was written for the use of the *English*, not of the *Gypsies* or *Egyptians*. Yet this I suppose I may freely and truly say, that neither Learned and Pious *Martin Bucer*, nor the plaine meaning Church of England, which borrowed that *Exhortation* from *Bucer*, ever so much as dreamt of the *Mathematickes*, or of that distinction here given, in those words of the *Exhortation*; but meant honestly and plainly to let all Ministers know, that, without distinctions or tricks, they are to bind themselves wholly and absolutely, *Mathematically* aswell as *Morally*, to that Vocation of the Ministry; further than the necessity of livelyhood enforceth them to spend some time to supply the wants and necessary occasions of them and theirs. And to this I may, I hope, without offence make bold to adde (because I have learnt it from the same Author, of the *Holy Table*, &c. page 52. as hee out of *Aristotle*, *Anal. Post. Lib. 1. Cap. 12*)

ὅς τε ἂν εἴη ἐν ἀνωμαλίοις περὶ γεωμετρίας διαλεκτέων; λήσσει γὰρ ὁ παῦλος διαλεξιμῶς. You must not dispute in termes of Geometry; with those that verse

Page. 54

not in Geometry; otherwise you will shew your selfe but a foule and sophisticall disputant, as that Author hath it.

But let the distinction bee as it will; thus much is clearely gotten by it, that the *Answerer* hereby yeeldeth, that, *Morally* Bishops cannot vote in Parliament, without crossing the expectation of, and condition propounded by the Church, in admitting them to Holy Orders; and that they vote there and imploy themselves in secular affaires *Mathematically* only. Surely, if their voting there (for that wee know is the thing to bee asserted by him in his *Answers*, because that is it which is opposed in the Reasons of the House of Commons) consist not with the Rules of Morality, it is no great credit for them to retaine that honour, nor will it at length bring in much comfort to them, when they must yeeld up their accounts to God, that they were never forbidden it according to the strict Lawes of the *Mathematickes*, although indeed *Morally* they were bound from it.

And what, must they needs bee debarred from *the just care of provision of their household affaires*, if denyed votes in Parliament, and liberty unto secular imployments, to enable them so to vote? Nay, God himselfe not only allowes, but imposeth upon all men a care of their family-businesse and government, *Prov. 27. 23.* and he that is negligent herein, is pronounced *worse than an Infidell*, *1 Tim. 5. 8.* God hath not divided this from any Calling, in ordinary course. And what hee hath
joy-

joyned, no man may separate. Therefore, both the Church in her *Ordination* (as appeared by the larger expreſſion thereof before out of *Bucer*) and the Kingdome, in her Lawes (as is alſo manifeſt in the Statute before alledged) excepteth this care of proviſion for their houſholds, when yet both Church and Kingdome binde them to give themſelves (in all other particulars) wholly to the Calling, ſtudy and exerciſe of the *Ministry*, which they have received in the Lord, that they may Colloſ. 4. 17 fulfill it.

III. REAS. of the Houſe of Commons.

BECAUſE Councels and Canons in ſeverall ages do forbid them to meddle with Secular Affaires.

I. ANSWER.

To this 3. Reaſon a five fold Answer is directed.

“ Councels and Canons againſt Bishops Votes in
 “ Parliament, were never in uſe in this King-
 “ dome, and therefore they are aboliſhed by the
 “ Statute, of 25. Hen. 8.

II. ANSWER.

“ So are they by the ſame Statute, becauſe the
 “ Lords have declared that the Bishops vote
 “ hereby the Lawes and Statutes of this Realm;
 “ and all Canons that croſſe with thoſe, are there
 “ aboliſhed.

III. Ans-

III. ANSWER.

*“ So are they by the same Statute, as thwarting
 “ the Kings Prerogative to call Bishops by sum-
 “ mons to vote in Parliament.*

IV. ANSWER.

*“ So are they by the Vote of the House of Commons.
 “ 21. Maii 1641. because they are not confir-
 “ med by the Act of Parliament.*

EXAMEN.

I put all these *Answers* together, because they will not need distinct Examinations, they being much what coincident, at least in the main scope, which is; to keepe this third *Reason* out of the Court, as being no sufficient evidence in Law, to eject the Defendants out of their holds in Parliament, against some of their desires.

It is acknowledged, that no Councils or Canons, not confirmed by Parliament have, here in England, any power to bind the subjects either of the Clergie, or of the Laitie; as hath been clearly *Resolved upon the Question*, this Parliament, in both houses.

But whether the House of Commons referre to any Canons so confirmed, I may not take upon mee to affirme or deny; because they have beene pleased to forbear to cite those to which they

they doe referre. Nor can it bee, I thinke, deny-
ed, that any Canons were in use within forty yeares
before the Statute of 25. Hen. 8. 19. (to which I
conceive the *Answerer* hath relation) against Bi-
shops votes in Parliament: and so, Bishops bee shot
free from such Canons, if urged against them in
that capacity, as binding Lawes.

But what neede the *Answerer* to have taken all
this paines of multiplying of *Answeres* to shew
that no Councils or Canons not ratified by Parlia-
ments, bee binding to Bishops, in this or any case
whatsoever? For, where hath the House of Com-
mons so urged them? Surely, not here. They
have not vouched them as Lawes to thrust the Bi-
shops out of the House of Peeres, as sitting there a-
gainst the Lawes already in being, but, as rationall
Arguments and prudentiall Grounds, to induce
the Parliament to use their Legislative power to ab-
rogate the Lawes (if any be) for their sitting there;
seeing that many godly Bishops in former Ages
Have made divers religious and wholesome Consti-
tutions and Provisions against such exorbitant usur-
pations of the Clergie. For however those Ca-
nons bee not formally obligatory here, yet are they
really worthy the Consideration of those who have
a power to reduce Bishops by a binding Law to
that which heretofore so many learned and pi-
ous men of their owne Coat and Calling, have pro-
nounced and decreed to be just and necessarie.

Further than this the House of Commons bee
not engaged. And who knows not that the Bishops
and their Officers have, and still doe urge divers
Canons of forraigne Councils and domestique

too, that never were confirmed by Parliament) upon both Clergie and Laitie, when such Canons make for the Bishops or their Officers. And these must take effect, like the Laws of the *Medes* and *Persians*. And yet now, when they see such Canons turned upon themselves, although not as Lawes, but as rationall arguments only, how witty they be in putting off all by the Statute of 25. *Hen.* 8. which makes nothing at all against the House of Commons, or this *Reason* produced by them !

And what offence, or incongruity was it in the House of Commons, to urge Canons and Councils against the Bishops in this particular, when no Divine that ever complained of such usurpations of the Clergie hath held it incongruous to presse the very same against them ? I will not trouble my selfe or others with many instances; that alone shall suffice, which hath beene before * alledged out of *Matthew Parker* Archbishop of *Canterburie*. That Prelate taxing the excessive exorbitances, and scandalous courses of the Clergie, in the reigne of *Richard I.* was not affraid to give this as the chiefe (if not the only) reason of all that prodigious breaking out, *Quod contra Orthodoxorum Patrum decreta &c.* that contrary to the decrees of the Orthodoxe Fathers, the Clergie did too much intermeddle in worldly busineses.

If then, so great a Prelate did well in laying this home to the charge of the Clergie, that their not regarding the Decrees and Canons of former Councils, was the maine cause of all the evill committed by them; it cannot unbecome the House of Commons assembled in Parliament, and pas
fi

* Exam. of the
first Answer to
the first Reason.

sing a Bill against Bishops Votes in Parliament, to produce and use the Canons and Councils, of Bishops themselves against such courses, held on and maintained by our Bishops against the judgement, and solempne determinations of their owne Predecessors, in the Prelacy in all the Churches of Christ.

As for the Declaration of the Lords, that *the Bishops Vote in Parliament by the Lawes and Statutes of the Realme*, I meddle not with it, because as I am ignorant of the Lawes and Statutes by which they vote, so am I not acquainted with what the Lords have declared thereupon. Only I have heard, that divers *Abbots voted as anciently in Parliament as Bishops*, yet are taken away. Yea, this *Answerer*, hath informed mee, that anciently *the Bishops were assisted in Parliament; with a double number of Mitred Abbots and Priors.* But Sir Edward Cooke could find no more in the Parliament Rolles but twenty seven Abbots and two Priors, *Commentary on Littleton Institutes Sec. 138.* Nor doe I know the difference of the Tenures of the one or of the other; or why in regard of originall right, Bishops should rather vote in Parliament than *Abbots and Priors*, so long as those Orders continued in being. That great Master of Law, before named tels us, that both Abbots and Bishops were called to Parliament by the Kings *Writ*, else, they came not there, although they held of the King *Per Baroniam*. Witnesse the Abbot of the Monasterie of *Feversham* founded by King *Stephen*, who albeit hee held by Barony, yet for that hee was not called by *Writ* hee never

*Answer to Rea-
son 7.*

le...

state in Parliament. And perhaps it is not simply a Barony, that gives all the Bishops a right to sit there, for I have read somewhere, that all the Bishops of King Henry 8. his foundation have not Baronies annexed to them. Yet they are called by Writ, and vote as Peeres in Parliament.

But, bee their right what it will, I heare nothing from the *Answerer* how farre this right extended. The Lords have, I believe, declared, in this very Parliament, that the Bishops have no votes *in causa Sanguinis*; and, I thinke the Bishops have found it to be so. And to my ignorance it is a scruple, whether they had originally any libertie of Votes in Civil and State affaires, and were not restrained merely to matters of Religion.

Ibid

Rot. Pat. de An
13. H. 3. 11817.

Vide rot. Vng.
in H. 3.

The reason of my scruple is, because I finde in the same Commentaries of Sir Edward Cooke (for I confesse, I aspire not so high as to looke into the Rolle it selfe) a transcript of an ancient Record forbidding them to intermeddle, upon paine of forfeiting their Baronies, with any matters concerning the Crowne, the person of the King, his Estate, or the State of his Councell: the words are these; *Mandatum est omnibus Episcopis qui conveniuntur sunt apud Gloucestriam die Sabbati in Crastin' Sancte Katherine, firmiter inhibendo, quod sicut Baronias suas quas de Rege tenent, diligunt, nullo modo presumant Concilium tenere de aliquibus que Coronam Regis pertinent, vel que Personam Regis, vel statum suum, vel statum Concilii sui contingunt, sciuri pro certo, quod si fecerint, Rex inde se capiet ad Baronias suas. Teste Rege apud Hereford, 23. Novemb. etc.* This was in the 8. of Hen. 3. and, in a great Councell

cell or Parliament ; not in a private Councell of Domesticks of his ^{owne} Court, as *Polydore Virgil*, and *Matthew of Westminster* would insinuate. *In Hen. 3 ad an. 1234.*

Touching the *Kings Prerogative*, it is too sacred to be handled by common or private hands. Farre be it from me to set bounds to it, or to wade farre in it. Only, I believe that the Kings Prerogative is for the good of his people: and, if any person unworthy and altogether unfit (and therefore incapable) should, by the Prerogative Royall, be called to, and employed in any place or office of trust, wherein the whole Kingdome is interessed, this were an abuse of the Prerogative, caused by Him that did misinforme the King, and there is no doubt, but a just King who should be so abused, would soone upon better information, recall such a Grant, or Writ. If then the Bishops shall be found to be persons altogether unfit for such high honour and trust (wherein all the Kingdome is so deeply concerned) I only ask (I determine not) what *thwarting of the Kings Prerogative* it could justly bee said to bee, to passe an Act with the Kings *Soit fait; &c.* unto it, that no more such Writs shall henceforth issue to any Bishop of the Kingdome.

5. ANS. to the third REASON.

" *This Argument was in a manner deserted by Ma-*
" *ster Perpoint, and confest to be but an Argu-*
" *mentum ad hominem.*

EXAMEN.

It is very true, that Noble Gentleman, after he had faithfully and like himselfe discharged the trust committed to him by the House of Commons in writing, hee added a few words, in the close of that Conference with the Lords to this effect; that how ever hee was commanded to urge this Reason taken from *Councils* and *Canons*, yet the House did only borrow these Arrowes out of the Bishops own Quivers, to use them as weapons against themselves; not with any purpose to bind the House of Commons or other the subjects by them.

This was not in any sort a desertion of the Argument, but a seasonable explanation of the House of Commons in what sense they used it. And were it but *Argumentum ad hominem*, yet was it *ad illos homines* whome it chiefly and most neerly concerned, to wit the Bishops themselves, and had force enough in my apprehension, to silence them, if they should offer to open their mouthes in defence of holding their places and votes in Parliament, any longer. For, if they would but consider what so many famous Bishops and Councils have said, and decreed against Clergie mens interposing in, and mingling themselves with Civill and Secular affaires (which yet be not of that import and consequence, as these in question bee) common ingenuity would make them to lay their hands upon their mouthes, and leave the discussion and determination hereof to others who are not interessed in it, and therefore more likely to bee lesse partiall in resolving of it.

IV. REASON of the House of Commons.

BEcause the twentie foure Bishops have a dependency upon the Archbishops, and because of their Canonick obedience to them.

I. ANSWER.

“ They have no dependency upon the Archbishops,
 “ but in points of Appeale, and Visitation on-
 “ ly. And owe them no obedience, but in these
 “ two points. None at all in Parliament, where
 “ they are pares their Equals: And, as Bracton
 “ tells us, Par in Parem non habet imperium.
 “ What hath Canonick obedience to doe with a
 “ vote in Parliament, declared in this Bill to be
 “ no Ecclesiasticall, but a secular affaire?

To this Reason
 a two fold An-
 swer is framed

EXAMEN.

The Reason consists of two branches, *dependency* and *obedience*; both which render Bishops unmeet to vote in Parliament. For, where these two relations meet, make but the Archbishops of a side, and it will be easie to draw the rest the same way. The Answer endeavours to take off both at one pull, because there is neither *dependance* upon, nor *obedience* due to the Archbishops but in two points, *Appeales*, and *Visitations*, which no way concern Parliaments or the dispose of their votes therein, where they bee all *Equals*, and where the Vote is only a *Secular Act*.

To

To examine the truth of the Answer. so farre as it denyes all *dependency* or *obedience*, but in *Appeales*; and *Visitations*, were not altogether impertinent; if it were a time of leasure, because it is with so much confidence denied. . . Bee there no reserved Cases pertaining to the Metropolitan; no Prerogative wills, no Inhibitions that may ruffle, and command in the Diocesans Territories and Jurisdiction, save onely in Cases of *Appeales*, and during the time of Metropolitanall *Visitations*? Doth not the Archbishop command the severall Bishops, upon divers occasions, to publish divers things, whether decreed in Synodes, or received from supreme Authority?

Hath the Metropolitan no power to correct and censure the delinquencies of the Bishops of his Province, and to command them, by vertue of their Canonick Obedience, to be more vigilant and diligent, when hee findes them slacke in their Office; to enioyne them silence and obedience, if they contest and ruffle with his Grace &c. to give other senses and interpretations of Rubricks and other matters contained in the Liturgie, than the Bishop doth, so hee expound nothing contrary to the Booke; and is not the Bishop to bee concluded by it? It were easie to adde many more particulars; which cannot bee reduced to *Appeales* or *Visitations*. Therefore here the Answerer came short in his reckoning.

But hee that desires to looke abroad and to see more of this, may consult *Lancelott. Perusm. Institut. Iur. Can. Lib. 1. Tit. 5. De Episcopis & summo Pontif. Cap. Ad hos.* in the addition of 10. Bap. where

it is said, in *multiplicibus casibus Archiepiscopus in subditos Episcopos ordinariam habet jurisdictionem*, ut in *C. pastoralis de offi. ordin.* & *Sylvest. ponit duodecim.* And if these be not enow, hee may also see *Hostiensis sum. li. 1. de offic. ordin.* where there be more cases (even eightene in number) expressed in certaine verses, which are there likewise interpreted by the same Author of those summes *Henricus de Segusio.*

Officium varium, forus, appellatio, crimen

Peccans, non parens, res, consultatio, deses

Praesul, Canonici tumidi, sententia nequam.

Visitat, indulget Custos quia Papa dat usus,

Permusat socijs suspectum cumq. remittit.

*Casibus his Primas * subiectio Praesules ardet.*

* Subjectos, forte
san.

I forbear to mention our owne *Lindwood*, and many moe. These may suffice to shew in how many things Bishops have dependance upon, and may be obnoxious to their Metropolitan, and how many wayes the Arch-Bishop can meet with them, if they go not his way in all things that he is set upon.

And were it true, that there is no dependency upon, nor obedience due to the Arch-bishop, but in *Appeales*, and *Visitations*, as it is a truth that these have in themselves no reference to Votes in Parliament: yet, who knowes not what influence an active and pragmaticall Arch-bishop hath into the Votes of all his Suffragans, whom hee can please or displease as he listeth, as they Vote with him, or dissent from him, after intimation or insinuation of his mind in private to them?

Indeed, if we could imagine Bishops and Arch-Bishops to be so complete in sincerity and sanctitie

as their high Calling bespeakes them; there were little strength in this Reason of the House of Commons. But, as the Prelates bee men, and not free from that which is humane, so the House of Commons conceived it not undecent or uncharitable to insinuate something more than is plainly expressed to such an Honourable and Intelligent Assembly of Lords: which reason as it is, hath force enough in it to weigh with rationall men; however, for the reverence they bare to the Ministeriall function, the House held it fitter to leave somewhat to be tacitely understood, than to speake all out that is couched under it.

2. ANSWER to the fourth REASON.

*" This Argument reacheth not the two Arch-Bishops,
 " discharged in the Rubricke from this Oath:
 " and therefore is no reason for the passing of
 " this Bill.*

EXAMEN.

No Reason? I am sure it reacheth twentie foure *Bishops* home enough although two *Arch-Bishops* should slip Collar, which one of them cannot, and I thinke the other shall not. And the *Answerer* may bee pleased to remember that the House of Commons brought up Reasons, Why *Bishops* ought not to Vote in Parliament.

It cannot be denyed but that in the maine body of their Reasons they included *Arch Bishops* too. And it is true, this argument reacheth not to them.
 What

What then did the House undertake to strike home even unto *Arch-bishops*, in every one of their *Reasons*? Where doth that appeare? It is enough that they have sufficiently done it in all the rest foregoing. If the *Answerer* thinke otherwise, hee shall be sure to meet with more Arguments against them, in the *Reasons* following. Here indeed he hath sufficiently confuted this fourth Reason, as to *Arch-bishops*; but it was not their good happe to get ought by the bargaine, because the House of Commons thought not fit to include them within the compasse of the Argument, which is bent directly against Bishops onely: and it is the unhappinesse of the *Answerer*, to goe without his Trophie, even where he made himselfe sure of the Victory; for he hath fought with a shadow.

5. REASON of the House of Commons.

BECAUSE they are but for their lives, and therefore are not fit to have Legislative power over the honours, inheritances, persons, and liberties of others.

I. ANSWER.

" Bishops are not for their lives onely, but for their
 " successors also, in the Land and Honour that per-
 " taine to their places, as the Earles and Barons
 " also are for their successors, in their owne Lands

To this Reason
 a 5. fold An-
 swer is shap'd.

“and honours: And, holding their Lands in fee
 “simple, may with as good Reason Vote in the
 “Honours, inheritance, persons, and liberties of
 “others, as others may and doe in theirs.

EXAMEN.

In the fourth
 of his Reigne,
 Case of Tenures.
 35. a.

When the House of Commons saith, that Bishops are but for their lives, I conceive the House to meane, that Bishops have no right to place in Parliament but what dies with them, (as to their heires,) without hope that their sonnes shall after succeed them in that dignity by vertue of their birth-right, or of the fathers sitting in Parliament before them. And that therefore, Bishops being at first but casually mounted to that height and extent of power, by William the Conqueror, the more to endeere and oblige them upon all occasions to serve him and his successors, in Parliament, they cannot (rationally and according to the principles of Policy and State) be hoped to be so carefull and resolute in disposing of their Votes, and in maintaining the privilege, and honour of Parliaments as Temporal Lords may well be presumed and expected to bee. For these being by birth-right and the fundamentall Lawes of the Kingdome, Lords of Parliament, and one of the Estates of the Kingdome (without whom a Law regularly cannot passe) they will bee more active and zealous for the good of their posterity that are sure to succeed them in the same place and Honour, and to share in the benefit of the prudent and faithfull dispose of their present suffrage.

But

But now the *Answerer*, denying the *Bishops* to be *for their lives only*, and affirming them to be *for their successors, also, &c.* waives the sense and intention of the House of Commons, and diverts his Reader from the strength of their Argument. For, hee tells us, that Bishops are *for their successors*, as a kinde of Corporation in Law. It is true that a Bishop is a Corporation to some uses, but that he is so, in respect of his place and Vote in Parliament, the *Answerer* hath yet neither made nor offered any prooffe at all. The Bishop is called thither by Writ to counsell the King, upon presumption of his personall sufficiency and fidelity: but *ubi gentium*, doth it appeare, that by vertue of the fundamentall lawes of the Kingdome, the Bishops must needs sit there as a Corporation, without which the Lords House cannot be full? Is it not only from Grace that Bishops were first allowed place there? And if so, they are not immoveable out of their places, and therefore they do not necessarily take up those places for their successors.

But suppose they sit there *for their successors*, yet will it be very hard to suppose the next thing too, that Bishops are in the same manner there for their successors, in the Land and Honour that pertaine to their places, as the *Earles and Barons* are for their successors in their owne Lands and Honours. For, is there no difference betweene Successors that usually have no naturall legitimate relation to the present Bishops in any degree of consanguinity or affinity; and those of *Earles and Barons*, which are their proper heires at Law, and may claime and must enjoy the same Honour which their Ancestors have held before

them, if not tainted in bloud? No difference between those that can no more bee denyed place in Parliament (without confusion of all,) than the fundamentall Lawes of the Kingdome and the government thereof can be turned up by the Roots; and those who first crept in by favour, to serve a Conquerors turne, by taking off their dependance upon the Pope and fastening it upon himselfe, and can derive no higher for sitting (as now they doe) in the House of Peeres, than an Act of Parliament, if so high: and therefore by another Act of Parliament, may be discharged?

Now, where the difference of the Title is so great, between a Bishop and an Earle or Temporall Baron, both to their Lands and Honours, and Votes in Parliament; I much feare that the Nobility and Temporall Lords will hardly in their House allow this doctrine, which yet is fitter for them to consider of, than for me to confute: and therefore I leave it: only with this; that, if the Lords shall find cause to reject this position as heterodox, and deny the Bishops to be in Parliament for their successors in Lands and Honours in the same manner, or upon as good and immoveable title as the Nobility be for theirs; then, the Reason of the House of Commons doth stand yet good, as to *Earles and Barons*, and it is no way fit that Bishops should have the same *Legislative power over the Honours, inheritances, persons, and liberties of Earles and Barons*, as these have, or ought to have, over those of Bishops.

As for Bishops *holding their Lands in Fee simple*, I can say little to it, because my skill is very simple
in

in *Tenures*. Only I have beene told that *Fee-simple*, is called in Latine *feodum simplex*, & *idem est quod hereditas legitima vel hereditas pura*. So that to speak properly, Every man that hath a lawfull estate in *Fee-simple* hath it either by descent, or purchase: neither of which wayes, for ought I know, can the Bishop derive his Title.

Littletons Instit.
l. i. c. 1. §. 1.
Cokus in *Little.*
ibid. Sect. 3.

But perhaps in some sense, wherewith I am not acquainted, the Bishops may bee said to hold in *Fee-simple*, as the word may be taken in a larger and lesse proper acception: *Viz.* Because he holdeth Lands in *fee* in right of his Church: but this is not properly *Fee-simple*, because he holds them not in his owne right; and the right he hath in them, dyes with him as to his heires. But I have heard, that ordinarily, he that is seized of any Lands in *Fee*, in right of his Church, his tenure is either that which the Lawyers call *Tenure per divine service*, when the Lands are given upon condition that the Donee performe some *divine Service certaine* expressed in the Gift, or the Lands to revert: or else, it is * *en Frank almain*, when Lands are freely given, without any *divine service certaine* to be performed for them.

* *Little. Institut.*
li. 2. cap. 6.

And further; albeit the Bishops are usually said to hold of the King *per Baroniam*: yet this haply may be meant rather of the *Honour* affixed to their place, which works it up to a Dignitie, than of the *Lands* pertaining to them, which they also hold in *Frank almain*, as well as the inferior Clergy.

Hereupon it is, that in our Municipall Lawes, our Bishops, for that they enjoy their meanes and mainte-

Sir Henry Spel.
Not. in Concil.
verolam. sub
Offa.

De Legib. Angl.
li. 7. ca. 1. in
Coke.

maintenance by the bounty and Almes of Kings, are called *Barones Regis Eleemosynarii*, The Kings Lords Almescmen, or Barons of the Kings Almoigny, as the Almescmen at WINDSOR are called *The Kings poore Knights* : and the Reason is rendred out of *Ranulphus de Glanvill*, (that famous Iudge in Henry the second his time,) *quia eorum Baronia sunt de Eleemosyna Domini Regis & Antecessorum ejus*, Because their BARONIES are of the Almes of the KING and his Ancestors.

Which being so, my conceit is that (what Reason so ever they have on their side, yet) at this time especially, this free and high language, (that they holding their Lands in Fee-simple may with as good Reason Vote in the Honours, inherisance, persons and liberties of others, as others may and doe in theirs) might have well beene forborne without prejudice to their Cause. For, if Almescmen bee admitted to Vote in Parliament, it will bee their wisedome, I take it, not to bee so much elated as to enter into termes of comparison with the highest; not excepting their Benefactors, or Founders themselves, even in one of the highest points of honour and power.

2. ANSWER to the fifth REASON.

"Many Peeres have beene created for their lives
 "only, and the Earle of Surrey for the life of his
 "Father, who yet voted in this House.

EXAMEN.

But have any (except Bishops) beene created Peeres for life, or otherwise, that were not men of great estates and inheritance, or at least of extraordinary birth and sufficiency? Of such eminency were the Earles of Surrey. But when you mention an Earle of Surrey, whom do you mean? Is it intended of the Noble Family of the Howards descended from the Monbrayes? If of these, you will hardly finde any such, that being an honour not so frequently communicated in former times. Indeed I find it mentioned that John Lord Monbray (Sonne of John, Grand-child to Thomas Duke of Norfolke) was, by King Henry the sixth in the life time of his Father, created Earle of Surrey, and was, after his Fathers death, Duke of Norfolke: but that he was a Peere of Parliament for, or in the life of his Father, I finde not. And I have beene told by a Noble branch of that Renowned stemme, and now a Peere, that there was no Earle of Surrey, made a Lord of Parliament upon such termes. But whether so or so, it matters not much; this being but one single instance.

And how ever you may perhaps instance (when you please) in others not so highly descended, who
 G have

have had the honour to Vote as Peeres in Parliament, yet they were such whose interests in the publike, and share in posterity must needs weigh downe any of those that the House of Commons desire to have removed out of the Lords House. For however, diverse of them bee well lined with wealth, yet the House of Commons are in Parliament to looke upon them, as the Lawes doe; to wit, as upon Almshouses that are but for their owne lives: and surely I beleve it will be very hard for the Answerer to give so much as any one instance of an Almshouse that hath beene allowed to Vote in Parliament. Not, that my purpose is hereby to disparage any of that Order, in reference to their function, or present honours, but only to speake of them as the Law it selfe doth, meerely and only for bolting out of the strength of this branch of the *Answer* to the *Reasons* of the House of *Commons* against the continuance of the Bishops place and Votes as Peeres in Parliament.

3. ANSWER, to the fifth REASON.

*"The Knights, Citizens, and Burgeses, are chosen
 " for one Parliament only, and yet use their Legi-
 " slative power. Nor will their being elected dis-
 " ference their Cause; for the Lords use that power
 " in a greater eminence, who are not elected.*

EXAMEN.

The Knights, Citizens and Burgeses, sit not there as single men, but as the representative body of

of all the Commons of England; each of them give their Votes with reference to all those from whom they are sent. Besides, they are by the fundamentall Lawes of the Kingdome to be there, *quales*, however the Election of the particular persons bee arbitrary and contingent. And although those very persons may never (perhaps) serve again, yet the right and inheritance of the Commons of England (whence every member of that House deriveth) never dyes, so long as the Kingdome lives. Therefore who ever, for the time hath the honour to bee a Member of that Society, Voteth in right of the Kingdome, not of a particular man.

As for the L O R D S, although they neither bee *elected*, nor doe Vote for any but for themselves and their owne posterity, yet they have this priviledge from an higher Originall, than the Bishops can prove themselves to be descended from; namely (as wee said before) not *precario* from Grace and favour, but from the fundamentall Lawes and Constitutions of the Kingdome. Besides, their bloud, breeding, interest in the publike, and care for their posteritie borne to so high places, must needs assure us more of their wise, carefull and zealous managing of their Votes in Parliament, than can, by any prudentiall or morall grounds, be hoped from the Prelates.

4. ANSWER to the fifth REASON.

“ A Burgesse, that hath a Freehold, but for terme
 “ of life only, may Vote and assent to a Law in
 Parliament.

EXAMEN.

*Cokus in Littl.
 Instit. Sect. 133.*

The *Free-hold* of a Burgesse, is not by the tenure of *Frank almoigne*, (of which the present debate is) for no Lay-man can hold any Land in that tenure. Hee is therefore in that regard somewhat more capable.

But however this may bee, yet that which was but a little before said to the next precedent Answer, will serve here also. A Burgesse doth not Vote in the House of Commons as a Free-Holder (although haply none but Free-Holders or Freemen be eligible) but as a person chosen by and for a Burrough which hath right to send Burgessees to Parliament; and being there, he Votes by the fundamentall Laws of the Realme. Therefore it is not materiall whether his Free-hold bee for life, or for longer time. When Bishops shew the like warrant and Commission, or the like fundamentall constitutions of the Kingdome for their Voting in Parliament; then, this *Answer* may be welcome to the House of Commons.

5. Ans. to the fifth REASON.

*"No such exception was ever heard of in the Diets
 "of Germany, the Corteses of Spaine, or the three
 "Estates of France, where the Prelates Vote in all
 "these points with the Nobility and the Commons.*

EXAMEN.

What exception hath beene taken to Bishops in other Kingdomes, is unknowne to me, and perhaps to the Answerer also: Unless he have seene all the Records and Journals of all those Kingdomes. Nor doe I believe that the House of Commons had any Reference to other Nations, nor doe intend to be presided by them. As if, because Bishops have this priviledge elsewhere, therefore this must bee a Reason sufficient for the continuing their possession of it here. Nay, every Nation hath its proper Lawes and Customes, and though it be no shame to borrow any thing that is better than our owne, for the publike Weale; yet it is no Answer to a Reason drawne from experienced inconveniency at home, to say that this Reason was never heard of in forraigne States.

But yet I thinke, if the matter were thoroughly examined, it will appeare that in those Kingdomes, Bishops have a kind of Sovereignty over their severall Territories, and are Temporall Governours as well as spirituall Pastors. And, by the fundamentall Constitutions of those severall Empires or King-

domes, those Bishops doe make one of the Estates of the Kingdome without which a Law cannot passe: Sure I am, it is so in Germany, and I beleeeve so of the rest, although with some difference: for they may make a third Estate, and yet not bee secular or soveraigne Governors over their severall Ditions.

Now, all know that it is farre otherwise with the Bishops of England: and therefore this plea will not be of any force to breake the strength of this Reason of the House of Commons, till the Prelates can translate our Lawes and Government into that of those Kingdomes from whence these presidents are impertinently borrowed.

6. REASON of the House of Commons.

BEcause of Bishops dependency and expectancy of Translations to places of greater profit.

I. ANSWER.

"This Argument supposeth all Kings, and all Bishops to be very faulty, if they take the tune of their Votes in Parliament, from these dependencies and expectancies."

EXAMEN.

This Argument taxeth not Kings, but *medles* only

only with Bishops. It is true, Kings bring them in, and can be wise enough to serve themselves, if they meet with men that will put themselves to sale for preferment. And to speake plainly, the receding from the ancient way of Electing Bishops by the Church is no small occasion and meanes to byas them, and to engage them still to goe that way, which they perceive him that hath the power of electing, and of advancing them higher, to bee inclined, so that, if a King should desire to draw them into a wrong course; they scarce know how to deny him, nor would many of them sticke much at it; for they being men, and sometimes none of the best, are not onely subject to like temptations and failings that others be, but more ready and officious to serve turnes than many times Princes do require.

And although the House of Commons doe not alwayes *take the tune of Bishops Votes in every Parliament from these dependances and expectances*; yet, when they see how much Bishops, that have but meane Bishopricks, doe continually labour to obtaine greater, and to get up higher; and then compare these *ambitious* practices with the tunes of their Votes in most things which concern the more perfect Reformation of Religion and the Clergy, and the promoting of the power of Godlinesse, &c; they cannot but find to their grieve that Bishops Votes in Parliament, and their ambitious practices elsewhere, do too often consort and come too neere a perfect harmony; and that therefore, there is little cause to pronounce them faultlesse.

But wherein lyes the pith of this Answer, or, how takes it off the strength of the Reason? Must
the

the Reason needs be false because it supposeth that, not which is impossible, but which in Civility is not fit to be spoken out in plaine language: The Answerer himselfe doth not deny the thing to be possible: therefore hee doth not Answer or overthrow the Reason, but only elude it by starting up a Captious supposition, which he thinks none will dare to owne. The Reason then is never the worse for this evasion. Let us try his next.

2. ANSWER to the sixth REASON.

"This may bee said of all the Kings great Officers, and of all the Noble Members of both Houses, who may bee conceived, as well as Bishops, to have their expectancies, and consequently to bee disappointed by this Reason of Voting in Parliament."

EXAMEN.

Yet this answereth not the Argument, but only endeavours to render it odious to those that were to be Judges of it, and so to doe what may be to bring a prejudice upon it. It is not, I confesse, impossible that the Nobility should be liable to the same temptation: yet it is not probable they should so soone be borne downe before it. For, first, their Estates, generally are better, and so they have not that need to snatch at such beggars baits.

Next, their bloud and Honour mounteth their minds higher and fixeth their eyes on more Noble prize, not without disdaine to stoop at flies. Lastly, their

*Laudabilis enim
vena suam ser-
vit originem, &
fideliter posteris
tradit quæ in se
gloriosa trans-
missione prome-
ruit. Cassiodor.*

their large share in the Publike, and the strong desire they have to lay a foundation for future glory to themselves, and happinesse to their posterity, will make them seeme such poore and base mercenarynesse, unworthy of men borne to honour and striving to purchase more by generous wayes, not by the sale of Noblenesse and conscience. *Nobiles premium, haud pradatum potant.*

3. ANSWER to the sixth REASON.

This Argument reacheth not at the two Arch-bishops, and so falls short of the Votes, which are to be taken away by this Bill.

EXAMEN.

If it had appeared that this particular Reason was intended against the Arch-Bishops, The Answer had beene pertinent. But seeing the House had no meaning, to reach so farre at every blow, but contented it selfe that onely some of the Reasons came home to both of them also, that which was said before in examining the last Answer to the fourth Reason, is abundantly sufficient to hold up the reputation of this Argument against the aspersion cast upon it by this elusory Answer. And yet it doth reach one of the Arch-Bishops, by the Answerers good favour. An Arch-Bishop of Yorke would perhaps doe somewhat, in hope of a Translation to *Canterbury.*

H

7. REA-

7. REASON of the House of Commons.

THe severall Bishops have of late much encroached upon the Consciences and properties of the Subject. And they and their successors will bee much encouraged still to encroach, and the Subject will be much discouraged from complaining against such encroachments, if twentie fixe of that Order bee to bee Iudges upon these complaints. The same Reason extends to their Legislative power, in any Bill to passe for the reformation of their power upon any emergent inconvenience by it.

ANSWER.

*"This Argument fights not against Bishops Votes in
 "Parliament, but against their Votes in Convo-
 "cation, where (if any where) they have encroa-
 "ched upon the Consciences and properties of the
 "Subject: Nor yet at the Vote of such Bishops
 "there, as are not guilty of this offence. Nor need
 "the Subject to bee discouraged in complaining a-
 "gainst the like grievances, though 26. of that
 "Order continue Iudges. For they shall not Vote
 "as Iudges when they are legally charged. And if
 "they should Vote, what were that to the purpose
 "when the lay Peeres are still foure to one? The
 Bishops*

" Bishops (assisted with a double number of Mi-
 " tred Abbots and Priors) could not hinder the
 " Lawes made against the Court of Rome, the
 " Alien Cardinals and Prelates, the Provisors, the
 " Suitors to the Popes Consistories under Edw. 3.
 " Rich. 2. and Hen. 4. Much more may these
 " emergent exorbitances of the Ecclesiasticall Ju-
 " risdiction bee soone curbed and redressed in this
 " inequality of Votes betweene the Temporall and
 " Spirituall Lords. So as this Argument doth not
 " so much hurt the Votes, as it quells the courage
 " of the Bishops, who may justly feare by this and
 " the next Argument, that the taking away of their
 " Votes is but a kind of forerunner to the abolish-
 " ing of their jurisdiction.

EXAMEN.

I know not the Reason, but so it is, that the An-
 swerer hath here thrust together all hee had to
 say, into one Answer; although the particulars
 whereof it consisteth bee many, and of various
 kindes: whereas before he was pleased to branch
 out one Answer into many, when yet most of the
 branches were coincident. Not troubling my selfe
 to finde out the Mystery, I shall make bold a little
 to change my Method also to follow him, or rather
 to distribute his Answers for him, and then to take
 a distinct view of the severall limbes thereof a
 part.

ANSWER.

" This Argument fights not against Bishops Votes in
 H 2 Parlia-

ment, but against their Votes in Convocation,
 " where (if any where) they have encroached upon
 " the consciences and liberties of the Subjects.

EXAMEN.

If this Argument fights not against Bishops Votes in Parliament, why then is it said, in the end of this Answer, that Bishops may justly feare, by this and the next Argument that the taking away of their votes is but a kind of forerunner to the abolishing of their Jurisdiction? For, what Votes are here meant, but those in Parliament? and what need any feare of that here, when it is confessed, that this Argument fights not against Votes in Parliament?

But, I passe this, because contradictions in such a cause, and in an Answer of so much length, dropping out of some mens pennes, need be no matter of any admiration, or of much stay upon it.

But what will it availe the Bishops that this Argument meets not with them in the Parliament House, so long as by his owne confession (although a modest [if] I would a little modifie it) it findes them out so palpably in Convocation. There, indeed, their guilt is of a double dye, for which they are now (upon examination and resolution of both Houses of Parliament) condemned as having voted and determined many matters contrary to the Kings Prerogative, to the fundamentall Lawes and Statutes of the Realme, to the right of Parliaments, to the propriety and libertie of the Subjects, and matters tending to sedition and of dangerous consequence; And as for encroaching upon and invading the conscience, let that absurd,

absurd, amphibolous, injurious, execrable Oath
enjoynd in the sixth Canon of their late Holy Sy-
node stand for a monument, to the eternall infam-
ie of the Composers of it, and factors, in it.

Now, the Bishops do or ought * to know that
if a Iudge be once taken tardy and guiltie of cor-
ruption and wicked judgement, hee is for ever
presumed to bee corrupt, and therefore unmeet to
bee trusted in another Court any more.

*Nulli sacerdoti
liceat Canones
ignorare. dist. 38
cap. Nulli.*

For, it is in ~~Maxime~~ both in the Civill, and
Canon Lawes, which holds in all Lawes, *Semel ma-
lus semper praesumitur esse malus.* And this presump-
tion is not onely *praesumptio hominis*, or *praesump-
tio facti*, but *praesumptio iuris* too, *quia ius sic pra-
sumit ex facto*, saith the Glosse upon that rule. So
that, if Bishops have thus encroached upon the consci-
ences and properties of the Subject, in Convocation,
as tis now declared they have, they are unmeet
and unworthy to bee trusted any more with Votes
in Parliament, where they may doe as much again,
or more, if opportunity bee offered; and there-
fore this Reason of the House of Commons is in-
vincible.

Reg. juris. 2.

But have they not done as much in Parliament
also? What meant the Statute of 2. H. 4. 15. a-
gainst the Lollards procured by Thomas Arundel
Arch-Bishop of Canterbury, and the rest of the Pre-
lates against diverse of the Nobilitie; for, they
are not at all mentioned in that Act? What meant
their struggling for the sixe Articles in 31. H. 8. 14.
first concluded in their Holy Synod in spite of
CRANMER'S teeth? What meant their Con-
spiracy to pull downe Religion in 1. Mar. after it

had happily in great part beene reformed in King Edward the sixth his time. What need we any further prooffe? *Habemus consistentem*, this Answerer himselte hath confessed as much in the close of his Answer to the next Reason following, where he roundly acknowledgeth the opposition of all the Bishops to the Reformation of Religion in 1. Eliz. But I must on to the rest of the Answer.

ANSWER.

“ Nor yet at the Votes of such Bishops there, as
 “ are not guilty of that offence. That is, of
 passing such Canons in Convocation.

EXAMEN.

This Exception may save the Credits of those men who were present, and protested legally against such illegall and wicked proceedings; so as, they may have peace within, and without too, if after by post-fact they contracted not the guilt of Accessories, by administering those Canons: But yet, in the account of Law, and in the estimate of Law-makers, before whom such lewd Canons bee arraigned, the Bishops doe know that it is another Maxime and Rule in Law, *Refertur ad universos quod publice fit per maiorem partem*, That is justly imputed to all that was publicly done by the Major part. If they who dissented not, did not protest, in due forme of Law, or absented themselves because they disliked the businesse, but
 had

had not the courage and fidelity to oppose it as became their duty; they are justly involved within the number of the guilty, at least so far, as to be held unworthy to be any further trusted to Vote either in that place, or in an higher much more, because through negligence, incogitancy, cowardise, and the like, they did not their utmost to helpe the Lord against the mighty, and to oppose those wicked Canons with all their might. I passe on to the next branch of the Answer.

ANSWER.

“Nor need the Subject to be discouraged in complaining against the like grievances, though twentie fixe of that Order continue Iudges. For they shall not Vote as Iudges in their own Cause, when they are legally charged.”

EXAMEN.

What encouragement shall one, or some few private Subjects hope to finde, when the whole House of Commons, by the labouring of some Prelates (lesse in number than twenty fixe,) cannot get passage for a necessary Bill grounded upon so many solid and weighty Reasons, against the Votes of Bishops in Parliament? And who can be assured that hereafter *they shall not vote as Iudges in their own Cause*, when even now *de facto*, they have already done it.

Perhaps there is a secret in that clause [*When they are legally charged*], which I cannot discover.

But

But surely, I thinke the meaning of it to be, that the Bill came not home to a *legall charge* that might exclude them from voting in it, because the House of Commons would needs be so civill towards the present Bishops, as not to name them in the Bill; whereby, not their persons, but their Order only was charged. And if this were the error upon which the first Bill miscarried, the House of Commons are wise enough to make use of this close wipe of the *Answerer*, and to finde out a way to avoyd the like fault in the next. The Answerer goes on.

ANSWER.

And if they should vote, what were that to the purpose, when the Lay-Peeres are still four to one?

EXAMEN.

If the Lay-Peeres (as he termeth them) were tenne to one, yet if but a few of those twentie fixe Bishops have a mind to be active (which, in their own cause, is not unlikely) they know wayes enough how to draw over to their party Noble and ingenious natures apt to be more taken with reverence of their function and gravity, than willing to suspect their ends or to dispute their grounds; how often so ever themselves or their Ancestors have beene circumvented and misguided by them.

But he will give you instances to the contrary, which may put about of feare.

ANSWER.

"The Bishops (assisted with a double number of
 "Mitred Abbots and Priors) could not hinder
 "the Lawes made against the Court of Rome, the
 "Alien Cardinals, and Prelates, the Prov. sors, the
 "Suitors to the Popes Consistory under Edw. 3.
 "Ric. 2. and Hen. 4. much more may those e-
 "mergent exorbitancies of the Ecclesiasticall Ju-
 "risdiction be soon curbed & redressed in this in-
 "equality of votes betweene the Temporall and
 "Spiritual Lords.

EXAMEN.

The Bishops (so assisted) could not hinder? Nay ra-
 ther they could not hinder the Lawes made against
 the Pope, & Strangers. For, the more the Pope en-
 croached, the more our Bishops smarted under
 those Vsurpations, and groaned under the many &
 continuall heavy taxes whereby all the Clergy of
 England were impoverished in their Estates, and
 the Bishops much curbed in their Jurisdictions.
 He should shew himselfe an egregious Igna-
 ro to the Stories of those times, that should
 require Instances hereof, there being so many,
 much elder than Edward the third: Matthew Paris
 and sundry other Historians abound herein. There-
 fore I will content my selfe with only one instance
 in the reigne of Hen. 3.

In his time the exactions & pollings of the Cler-
 gy and Kingdome were found to be yearly 60000
 I Markes,

Antiq Britan. 3
 ex Mat. Paris:
 in Bonifac.

Markes, which, at that time, exceeded the Kings owne Revenues. No benefice, or dignity belonging to the Nobility, Clergy, or Gentry, not many pertaining to the King himselfe could bee void, but the Popes *Provisors* were ready to seize on it instantly for some of his Creatures, Italians and other forraigners. The Bishops fretted, but durst not complaine. When the King saw their timorousnes, and the whole Kingdome heightned up to such a degree of discontent, that they threatned to cast off their obedience to the King, if he tooke not order to ease them; a Parliament was called; the King, the Nobility, Prelates, Commons, all complained of the unsupportablenesse of the burden; drew up their greivances into seaven severall Articles; foure letters were conceived and sent with these greivances to the Pope; one from the Bishops, a second from the Abbots, a third from the Nobility and Commons, and the fourth from the King himselfe; but, to little purpose. The Pope still went on, although sometimes more favourably, and other times more violently, as the times would suffer.

No marvell then, if Bishops and Abbots in Parliament were so willing to be over-borne by the votes of the temporall Lords in passing the Statute of Provisors of benefices, in 25. *Edw. 3. and against suitors to the Popes Consistory, and receiving of Citations from Rome in 38. Ed. 3. And against the farming of any Benefices enjoyed by Aliens by the Popes Collation, or conveying of mony to them. 3. Ric. 2, 3. And against Going out of the Realme to procure a Benefice in this Realme in 12, Ric. 2. 15. And for confirmation of the Statute de provisoribus among the Statutes called*

The letters &
Articles are
set downe at
large in *Math.*
Paris. in Hen.
3. pag 927.
Exc. edit. Lond.
Anno. 1571.

called *Other Statutes made at Westminster. in 13. Ric. 2. ca. 2.* The like may be said of the Statute of *Provision* in 2. Hen, 4. 4 of *first frutes to Rome more than uswall.* 6 H. 4. 1 Of *moneys carryed to Rome*, and confirmation of all Statutes *against Provisors &c.* 9. Hen. 4. 8. To say nothing of that famous Statute in 26. Hen. 8. 21. which gave the Pope a deeper wound than all the Acts that had been before.

Now, alas poore Bishops that they were so over-voted that they could not hinder such Lawes as those, made in their favour, and for the rescuing of them from the Italian horse-leeches! No doubt the Bishops laboured stoutly to withstand these Acts: and therefore no marvaile that they be so carefully instanced in, or pointed unto by the Answerer, to shew how easily Bishops may bee over-voted in Parliament and how soon emergent exorbitancies of their Iurisdiction may be there curbed & redressed. Or rather indeed to shew how unable Bishops bee to withstand the passing of a bill which they desire with all their hearts may bee enacted, or which they know the King wil have to be enacted. But otherwise, I cannot understand his reason in vouching of them: unlesse he meant to make his Readers some mirth. See now how hee winds up this long Answer.

ANSWER,

“ So as this Argument doth not so much hurt the
 “ votes, as it quells the courage of the Bishops, who
 “ may justly feare, by this and the next Argument
 “ that the taking away of their Votes is but a kind

“ of fore-runner to the abolishing of their Juris-
 “ diction.

EXAMEN.

Indeed, if we take the scantling of the *hurt* done to their *Votes*, by the instances produced in this *Answer*, the hurt is so little, that the adventure will not bee great, if they meet with other Bills in Parliament of like nature, wherein the Temporall Lords shall happen to over-vote them. In those Statutes before mentioned, I doe not finde the Clergy so much as named. It is probable, they durst not appeare for those Acts, for feare of the Pope; but rather suffered them to passe, by the Temporall votes, that they might the better excuse it at Rome, and enjoy the benefit with more security at home, when the Temporality alone were so ready to doe it to their hands.

Iust so it was in *Henry* the thirds time, when the Pope had compelled the Bishops to ratifie all the Grants of payments to Rome made by *K. John*, whereby the Bishops were so cast betweene the mil-stones, as to be ready to be ground to powder, yet durst not appeare against their oppressor, they (Good men) were forced by the King and Parliament much against their wills! (*Si placet*) to be rescued out of his hands without any labour of their own; when, first the King professed *se contra infirmos illos et timidos Episcopos pro Regni libertate statutum, nec censum deinceps ullum Romana curia praestitutum*. And afterward, when the whole Parliament ordered the Bishops and Abbots to write to his

his Holinesse that which with all their hearts they would, if they durst, have done of themselves, for obtaining ease of the burthens that lay upon them, as hath been touched before.

So that now, this Argument doth little *quell their courage*, if they meet with no greater discouragements than by the answerer hath been set forth. Rather the *Answer* teacheth them the way how to prevaile by being overcome, and to bring about their owne ends and yet sit still, or seeme to be the greatest opposers of that which in secret they most desire, and underhand doe most labour for.

But truly, it is to me no lesse than a riddle, that there should be any just cause of feare (unlesse unto them who are apt to *feare wher no feare is*) that there is any thing in this Argument tending to the *Abolishing of Episcopal Iurisdiction*; when the Reason expressly supposeth no more, but a *Bill to passe for the Regulation of their power upon any emergent inconvenience by it*. Verily there is more cause of feare on the other side, that if the mention of a bill for *regulating* the power of Bishops shall be interpreted a plot to ruine their Iurisdiction, which now is so exorbitant, their Case comes very neere to that of old Rome, which (as *Livy* observes) could no longer stand under the vices committed in it, nor endure the remedies applied to it.

*Liv. Hist.
Dec. 1.*

8. REASON of the House of Commons.

Because the whole number of them is interested to maintaine the Iurisdiction of Bishops; which hath beene found so

greivous to the three Kingdomes, that Scotland hath utterly abolished it, & multitudes in England and Ireland have petitioned against it.

ANSVVER.

*"This Argument is not against the Votes of Bish-
 ops, but against Episcopacy it selfe, which must
 bee removed, because Scotland hath done so, and
 some in England and Ireland would have it so;
 And yet peradventure ten times as great a
 somme as these desire the contrary.*

Against this a
 2 fold Answer
 is offered.

EXAMEN.

This Argument is expressely against their votes for maintaining their Jurisdiction, (to which by their Order they are all bound, as all other societies bee, to maintaine their Priviledges;) and it is not bent against Episcopacy it selfe. And yet this suggestion is a witty invention, both to winde out of the strength of this Reason, and to cast a blurre upon it at the farewell.

The House of Commons could not but see even an impossibility of reforming by bill the excesses and intolerable exorbitancies of the present tyranny of many Bishops (who dishonestly cal it by the honest name of Jurisdiction,) so long as the Bishops be suffered to vote in Parliament. For the Bishops be themselves the greatest Offenders therein, either acting in it, or else (as Galba) wittingly permitting those to usurpe whom they ought to
 bridle,

bridle, or willingly ignorant of what they ought to know. Therefore it was desired that their Votes in Parliament might be taken away, to make passage for another *Bill* that might *regulate their Jurisdiction*, as in the former *Reason* was plainly intimated. But the *Answerer* was willing to slide over that which was the life of the present *Reason*, (*viz.* the engagement of *Bishops* to maintain their *jurisdiction*, *id est*, as now it standeth) and *Lap-wing* like to carry his Readers from the nest, to gaze upon the destruction of Episcopacy it selfe, which on my conscience was not then intended by the House of Commons, had that first *Bill* been quietly yeilded by the *Bishops* in the House of Peeres.

Nor did the House of Commons, I presume, by the instance of Scotland, and of those in England and Ireland intend, in this *Reason*, a purpose of Abolition of the Calling, but onely made use of it as an Argument *a maiore ad minus*: to this effect: That, if the *Jurisdiction of Bishops* (as now they terme it) be found so greivous, that, in Scotland they would endure Episcopacy it selfe no longer; and, many in England, and Ireland have petitioned for the abolishing of it in these other Kingdomes; it cannot be thought unreasonable and immodest for the House of Commons to passe a *Bill* for a lesser matter, to-witt, for taking away the *Votes* of *Bishops* in Parliament; without which there is little or no hope that the *Bishops* will ever suffer an other *Bill* to be enacted for the thorough Reformation and regulating of their Jurisdiction, so as to give ease of the many Greivances that still ly upon the subjects of both Kingdomes of England, and Ireland, and to satisfie.

tisfie the Petitioners with Reason worthy of such a Parliament, at such a time of generall discontent, cheifly caused by the usurpations of sundry Bishops and of their domineering party.

What is in the *Answer* (with shew of modesty) said, that *peradventure* *tentimes as many* desire the continuance of Episcopacy, as there be Petitioners against it, It might *peradventure* be so, before the *Bishops* procured that first bill grounded upon these Reasons, to be rejected above; and before the world was made acquainted with that *Abstract of the Answers* given to them. But I dare say, that now, without all *peradventure*, (if we may judge of mens desires by their expressions) there is, scarce one of ten, who before were for *Episcopacy* reformed, but are now against it: the reason is, because they see there is no hope, that ever the *Bishops* will cheerfully yeeld to a perfect Reformation of themselves and their Order, and that if hereafter the Prelates should happen (against their will) to be over ruled in it, such a forced Reformation will never doe good, nor secure the Kingdome against the Evills too long sustained under them, if the Calling it selfe be continued.

And verily, no one thing hath more alienated & exasperated the hearts of all sorts, than the apprehended insufficiencies of these printed *Answers* to the *Reasons* of the House of Commons. So that, if *Episcopacy* happen to miscarry, I am perswaded, the *Bishops* will find Cause to ascribe the opening of so speedy a way to their destruction, not to any thing so much as to the unhappy *Answers* given to these *Reasons* of the House of Commons; if those

Answers

Answers offered to the House of Lords were no better, or better than they are presented to publike view in that more unhappy Abstract most unhappily printed.

2. ANSWER to the eighth REASON.

“ There wil be found Peeres enough in the Vpper House
 “ to reforme any thing amisse in the Ecclesiasticall
 “ Iurisdiction, although the 26. Prelates should bee
 “ so wicked as to oppose it : As there were found
 “ Peeres enough in that Noble House to curb the Court
 “ of Rome, and the Revenues of the Cardinals under
 “ Edw. 3. To meet with the Provisors under
 “ Rich. 2. To put all the Clergie into a Premu-
 “ nire under Hen. 8. And to reforme the Religion
 “ 1 Eliz. notwithstanding the opposition of all the
 “ Bishops.

EXAMEN.

Mark here his *Plea in Barre* against the Bill, There were Peeres enough to curb the Court of Rome, in Edw. 3. and Rich. 2. when none were more glad of the curbing of that Court, than our Bishops themselves. *Ergo* there will ever be found Peeres enough to reforme the Bishops jurisdiction. I will not say of this putting our *Ecclesiasticall Iurisdiction* and the Court of Rome so neere together, *Pares cum paribus facillime congregantur*. But it will perhaps make sport to some to finde them in this Abstract so close one by another : yet can it not secure wise men, that because the Peeres curbed the Pope, *Ergo* there will ever be enough to curb our Bishops ; unlesse the Bi-

K

shops

shops will yeeld themselves to hold of the Pope, or to be of the same stamp, and resolve to rise and fall with him.

As for those Cole-worts in *Edw. 3.* and *Rich. 2.* now a second time heated, I referre the Reader who desires a fresh taste of them, to the *Examination* of the former *Answer*. In the case of *Premunire*, in *Hen. 8.* who knowes not that (if any such had passed in Parliament) the Clergie were not so much overborn by the Nobility, as overawed by that stern and stout King, with whom the proudest Prelate durst not to contest? But when wil it be proved that this passed in Parliament? Surely *Holinshed* & others tell me that the Bishops were called into the Kings Bench about it, but before their day of appearance, there was a *Convocation*, wherein it was concluded that the Clergie of the Province of *Canterbury* should offer 100000. pound for composition, w^{ch} was accepted, and a pardon promised to passe in Parliament to free them of the *Premunire*. So in 7. *Hen. 8.* the Convocation incurred a *Premunire* for citing one *Standish* to appeare before the Convocation, when they had not jurisdiction: which yet was compounded and no Act of Parliament passed on it: Nor needed there an Act for it, for the Bishops themselves confessed the thing and so it could not come to a contest in the Parliament. This is all that I know of this matter. And if the case be thus this instance is not to the purpose. But the last is of all other the most impertinent, and scandalous.

Impertinent, because all the world knowes that the Reformation of Religion was the designe
of

of the Queene whom the Prelates might not crosse; such as did thwart were ducly rewarded for their paines, as hath beene formerly touched. Therefore untill it can bee found that the Bishops were over Voted in a Cause wherein the PRINCE went with them, or expected their assistance, to Vote for him, the force of the Reason is not abated.

Next, what a scandall to Bishops is it, that even since the Reformation begun in *Edward* the sixth his time, the Bishops, all the Bishops should oppose the restauration thereof in the beginning of Queene *ELIZABETH*, after an interruption of scarce five yeares and an halfe! Surely, if Bishops can so farre degenerate in so short a time, they are hardly to bee trusted with Voting in Parliament for any long continuance, especially in an age of such a postatizing of the most, and warping of the best.

IX. REASON of the House of Commons.

BEcause Bishops being Lords of Parliament, it setteth too great a distance betweene them and the rest of their Brethren in the Ministry, which occasioneth pride in them, discontent in others, and disquiet in the Church.

ANSWER.

"This is an Argument from Morall Philosophy,

"which affords no Demonstrations. All are

"not proud that Vote in Parliament, nor dis-
 "contented which are not so imployed. This
 "Argument fights onely against their Title
 "of being L O R D S, which is not the Que-
 "stion at this time. And were those Bre-
 "thren so wise and well affected as they might
 "be, they would rejoyce rather that some of their
 "owne profession are advanced to those places
 "wherein they may bee capable, upon all occasi-
 "ons, of doing good offices to them, and to this
 "whole Church.

EXAMEN.

The first note is but a peece of mirth, which is
 But little Demonstration of any great Morality, in a
 Cause so serious. If all bee not proud that vote in
 Parliament, they have the more cause to be thank-
 full to God that keepes them humble in so great a
 temptation. Yet, usually, all be not humble who
 say they are not proud. Proud men of all others
 will be least knowne of Pride. The Reason doth not
 say, that all are proud who Vote, but only that such
 high dignity (not meet for them) occasioneth
 pride, and I hope it will not bee denyed by a Bi-
 shop to be a rule of Divinity as well as of Morall
 Philosophy, that apparent and experienced occasi-
 ons of sinne must bee avoyded as well as the sinne
 it selfe.

Besides, this Answerer takes no notice of the
 maine basis of the Argument, which is, that this
 setteth too great a distance betweene the Bishops and the
 rest of their Brethren. And to say truth, there

was

was no great Reason why hee should, considering the Principles of Prelates, which will never suffer them to subscribe to the truth of such a Proposition. They never thinke the *distance to be too great*, betweene themselves, and the inferiour Clergie. And the neerer to parity, the neerer to Heresie. Yet, because this is an opinion not very fit to bee spoken out, it was good policy to passe over this branch in silence: and, it were superfluous, to labour in the asserting of that which the *Answer* doth not gain-say.

And though, *all bee not discontented, that are not so employed*: for some of them are Chaplaines, Dependants, Expectors, Pretenders to the like places, and so cannot but rejoyce to see them on Cock-Horse, who will, they hope, one day give them the hand to lift them up behind them. Yet there bee many more who have more cause of just discontent at the infinite elation, intolerable pride, and boundlesse passions of some of the Bishops, who looking up to their owne Lordly Titles, doe take it for a part of their honour to looke downe upon their poore brethren with so much superciliousnesse, as if they were not brethren but servants, yea slaves, *ad servitutem natos*, as Hee said of his subjugated fellow Senators of Rome. Tiberius, Tacit.

Before this Lording in Parliament came up, the old Rule among Bishops was, *Episcopus in quolibet loco sedens, stare Presbyterum non patitur*. Con. Carthag. 4. ca. 34. But that Canon is now 1240. yeares old, and so may well be forgotten. Now, it is well if he may after long attendance bee admitted into the presence of a Bishop, where he must stand bare headed, while the

Bishop sits, or perhaps lyes along in State. And whereas before, they were not ashamed to call and honour them as *Brethren*, now they have other names for them, *Dunce, Ass, Foole, Iack, Rogue, Scottish spirited rascall*, any thing that a tongue set on fire of Hell can belch out.

Lo here the goodly fruit of Episcopacie advanced to the heighth of Peerage in Parliament! and wel were it for many of them and their poore Clergie, if this were the worst and greatest cause of grieve and discontent administred by the Bishops to many grave, Godly, painefull, peaceable Ministers, whose heavic burdens are presented in multitudes of Petitions to the present Parliament, and therefore I forbear to relate them.

But where it is said that *this Argument* of the House of Commons *fight only against their Title of Lords*: the *Answer* misreports it: For it marcheth (not fighteth) against them as *Lords of Parliament*: now, if to be a Lord in Parliament, and to Vote as Peeres there be not the same thing, the *Answer* is worthy of Consideration: otherwise, it can expect no entertainment, but neglect. The House of Commons did purposely use this phrase here, because the very *Reason* it selfe is grounded, partly upon the Title, yet so, as that they consider a Bishop as a Peere admitted to Vote in Parliament. These two are convertible and equipollent expressions; He is a Lord of Parliament, *Ergo*, he Votes. He Votes in Parliament, *Ergo*, a Lord of Parliament. And this Lordship in Parliament is that which lifts him up so high above his brethren, as makes him to be, and they to fare the worse all dayes of his life.

Where-

Wherefore, to conclude all; such is my folly that I know not what *wisedome, or good affection* it were, for *those Brethren to rejoyce* much, to see any of *their owne Profession* to bee exposed to so great temptations, by being advanced to that place, which is so farre from rendring them *capable* or apt to *doe good offices* to either Church or State, as that it makes them more unapt unto, and incapable of doing any good at all, either in Parliament, Pulpit, or Consistory. For it puts them out of their Calling, unapts them for the proper worke of it, and is, not seldome, secretly followed, by the just judgment of GOD, with a spirit of coldnesse and benumdnesse of those excellent parts wherewith many of them before abounded, with a spirit of giddinesse in point of judgment, with a spirit of contempt of those Ordinances which formerly they prized, in point of affection, with a spirit of pride over their brethren in point of behaviour, with a spirit of persecution of the power of godlinesse in point of jurisdiction, and with a spirit of opposition to the perfect *Reformation* of this *whole Church*, in point of Legislative power in Parliament.

See the close of last precedent *Answer*.

ERGO,

Bishops ought not to Vote in Parliament.

FINIS.

Pag. 2. l. 28. after *acceptat*, there should be a short line, thus; ----- as implying some words omitted which in the Author be interposed
p. 4. l. 7. r. *indicare*, p. 26. l. 5. r. *avocation*, p. 34. l. ult. r. 18. *ibid.* in
Mar. dele 1317. & r. M. 17. p. 63. l. 14. r. *could*, p. 75. l. 25. r. *nati*.